

The Regular Session was called to order at 7:00 P.M., by Mayor Ferguson with City Councilors Stone, Smits and Duba present along with City Attorney Landwehr, City Manager Collins, City Clerk Davidson, Community Development Director Westbay, Public Works Director Coleman, Water Superintendent Balch, Municipal Court Judge Furey, Court Clerk Seidel, Planning & Zoning Commission Chair Lothamer, several members of the Gunnison Community Alliance, several interested citizens and the press. Councilor Simillion and WSC Intern Johnston were absent.

Consideration of Minutes:**Regular Session Minutes of January 25, 2005.**

Councilor Stone moved and Councilor Duba seconded the motion to approve the Regular Session minutes of January 25, 2005, as submitted.

Roll call vote, yes: Stone, Ferguson, Smits, Duba. So carried.

Roll call vote, no: None.

Mayor Ferguson stated Councilor Simillion was absence due to a medical emergency.

Councilor Stone moved and Councilor Duba seconded the motion to excuse Councilor Don Simillion from the meeting due to a medical emergency.

Roll call vote, yes: Ferguson, Smits, Duba, Stone. So carried.

Roll call vote, no: None.

Pre-Scheduled Citizens:

Judge Margaret W. Furey – 2004 Municipal Court Report. Court Clerk Beverly Seidel was also present. Judge Furey informed Council she was retiring after the court session on April 6. She discussed the following: the good performance of Gunnison Court personnel; the alcohol deferred sentence program; the purpose of the court in solving problems; the excellent performance of the Police Department; and gave her recommendation on hiring a new Municipal Judge. Council thanked Judge Furey for her service to the City.

Unfinished Business: None.

New Business:

Action on Contract for Purchase of Jet Vac Truck. Public Works Director Coleman and Water/Sewer Supervisor Balch addressed Council. They reported: the City received 4 bids; Kois Equipment was the apparent low bidder; Kois has requested to withdraw their bid; After review of the remaining bids, and Staff recommends the purchase of Williams Equipment bid for a VacCon unit in the amount of \$242,820 with an extended lease period from 3 to 4 years. City Attorney Landwehr stated the City could possibly pursue legal action against Kois' request to withdraw their bid. Kois would have to prove mathematical or calculation errors took place on their part in preparing the bid. Director Coleman stated this request would be taken into account during future bid processes.

Councilor Stone moved and Councilor Duba seconded the motion to accept the recommendation from Staff and award the bid to Williams Equipment for the purchase of a VacCon Jet Vac Truck and to proceed with leasing for 4 years instead of 3 years. City Attorney Landwehr pointed out that the leasing process would be bid out to financial institutions to get the best rate for the City. This evening, action by Council is to approve the award of the bid and instruct Staff and the City Attorney to proceed with pursuing financing for the truck. The lease agreement will then be made by ordinance. Councilor Stone withdrew his motion and Councilor Duba withdrew his second.

Councilor Stone moved and Councilor Duba seconded the motion to accept the recommendation from Staff and award the bid to Williams Equipment for the purchase of a VacCon Jet Vac Truck and instruct Staff and the City Attorney to pursue lease financing arrangements for said piece of equipment.

Roll call vote, yes: Smits, Duba, Stone, Ferguson. So carried.

Roll call vote, no: None.

Presentation of 2005 Regular Municipal Election Calendar. City Clerk Davidson presented the calendar, highlighted several of the important dates and stated no Council action is required at this time.

Ordinance and Resolutions:

Resolution No. 1, Series 2005; Re: Approving & Ratifying Contract to Buy and Sell Real Estate Known as the Lost Canyon Parcel and Authorizing Mayor & City Clerk to Execute Deed. Councilor Stone introduced Resolution No. 1, Series 2005, and it was read in its entirety by the City Attorney.

City Attorney Landwehr stated the contract is a full price offer at \$99,000. Councilor Smits pointed out for the record the proceeds will not be the full \$99,000 but will be less due to the realtor's commission and City's being required to obtain the well permit which should be about \$480. The sellers contract had already been approved by Council. City Attorney Landwehr reminded Council this is a contract to purchase and until the papers are signed and money is transferred, it is not a sale.

Councilor Stone moved and Councilor Smits seconded the motion that Resolution No. 1, Series 2005, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, APPROVING AND RATIFYING THE CONTRACT TO BUY AND SELL REAL ESTATE SUBMITTED BY EUGENE W. CLARK DATED JANUARY 31, 2005, FOR THE PURCHASE AND SALE OF THE VACANT PARCEL OF CITY-OWNED PROPERTY LOCATED IN SECTION 33, TOWNSHIP 51 NORTH, RANGE 1 EAST, N.M.P.M., COUNTY OF GUNNISON, STATE OF COLORADO, FOR THE PURCHASE PRICE OF \$99,000.00, AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE DEED THEREFOR AT THE TIME OF CLOSING,** be introduced, read, passed and adopted this 8th day of February, 2005.

Roll call vote, yes: Duba, Stone, Ferguson, Smits. So carried.

Roll call vote, no: None.

City Attorney: Discussion on Possible Extension of Ordinance No. 9, Series 2004, Commonly Referred to as the "Retail Superstores Moratorium". City Attorney Landwehr informed Council the moratorium could be extended and it would have to be done by ordinance. Discussion ensued.

Councilor Stone moved and Councilor Duba seconded the motion to direct the Community Development Director to submit the moratorium extension proposal to the Planning & Zoning Commission for their input on the duration of the extension and to instruct the City Attorney and Staff to draft up the appropriate ordinance.

Roll call vote, yes: Stone, Ferguson, Smits, Duba. So carried.

Roll call vote, no: None.

City Manager: Mark Collins. Once again thanked Council for allowing him to participate in the Rocky Mountain Leadership Program. It was a worthwhile program.

Acting City Manager: Community Development Director Steve Westbay. Informed Council he will give his semi-annual report at the next Council Regular Session.

City Clerk: Gail Davidson. Nothing to report.

WSC Intern: Matt Johnston. Not present.

Non-Scheduled Citizens:

Ralph "Butch" Clark came forward. He thanked Judge Furey for her service to the City, and told some personal anecdotes about the Judge. Mr. Clark also stated he thought the moratorium extension is a good idea to allow for all issues to be pulled together.

General Discussion/Items for Work Session:

Councilor Smits: Report on Planning & Zoning Commission Meetings. The Commission has been working on the proposed big box design standards. It is going slowly and he is proud of the Commission for all of their hard work and perseverance. The Commission also approved a Conditional Use for a tow truck business next to Rock ‘n’ Roll Sports on West Tomichi Avenue.

Mayor Ferguson: Report on Mayors’/Managers’ Meeting. Informed Council they met last Thursday at the CBMR Ice Bar on the mountain. All of the entities are reporting good sales tax returns, and Mt. Crested Butte will see Town Center work this summer. CBMR is also pursuing an amended expansion onto Snodgrass Mountain.

Councilor Duba: Reported the new Gunnison Housing Authority Director will start by the end of February. At Region 10, Margaret Howlett is no longer with the organization. Funding for her position was cut by the State. They are looking at ways to incorporate her position into other areas. The Colorado Department of Transportation is implementing a “Safe Routes to Schools” Program. He recommended the City be aware of the program and it’s potential here in the City.

Councilor Stone: Nothing to report.

Adjournment: At 7:59 P.M.

Mayor

City Clerk